

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MOONBUG ENTERTAINMENT
LIMITED, et al.,

Plaintiffs,

v.

BABYBUS (FUJIAN) NETWORK
TECHNOLOGY CO., LTD, et al.,

Defendants.

Case No. [21-cv-06536-EMC](#)

**PROPOSED AMENDED FINAL
VERDICT FORM**

The Court proposes the following amended verdict form. The Court will hear comments from the parties on July 24, 2023, as to Question 1(a).

IT IS SO ORDERED.

Dated: July 23, 2023



EDWARD M. CHEN
United States District Judge

The Court submits this case to you on special issues in the form of questions you will answer as you find the facts to be, from the evidence admitted before you on this trial, under the rulings of the court in conformity with these instructions.

On retiring to the jury room, you will select one of your number to act as foreperson. The foreperson will preside over your deliberations and will be your spokesperson in court. A form of special verdict has been prepared for your convenience.

You will note that each question calls for a “yes” or “no” answer. The answer to each question must be the unanimous answer of the jury. Your foreperson will write the unanimous answer of the jury in the space provided below the question.

Your answers to these special questions will constitute your verdict and your answers must be made without regard to their legal effect or the judgment that may be based on them by the court.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given the testimony; but as to the law, you must be governed by the instructions, definitions, and explanations given you in this charge.

When you have completed the answers to all questions, and the foreperson has dated and signed the special verdict, you will return with it to the courtroom.

1. Considering the protectability of the works, evidence of actual copying, evidence of unlawful appropriation (extrinsic test and intrinsic test for substantial similarity between the works), as well as whether any defenses apply, did Babybus infringe the registered copyrights to the following CoComelon works? If yes, was the infringement willful?

		Yes	No	If yes, willful?
1	The JJ Character (U.S. Copyright No. VAu001379978 (JJ))			
2	JJ’s Family Characters (Copyright No. VAu001322038 (Unpublished Family Characters 2017))			

		Yes	No	If yes, willful?
3	CoComelon Animal's Characters (U.S. Copyright No. VAu001319613 (Animal Characters 2017))			
4	The Boo Boo Song (U.S. Copyright No. PA0002181622 (The Boo Boo Song))	X		X
5	Yes Yes Vegetables Song (U.S. Copyright No. PA0002149483 (Yes Yes Vegetables Song))	X		X
6	Yes Yes Vegetables Song (U.S. Copyright No. PA0002159137 (Yes Yes Vegetables Song))	X		X
7	Car Wash Song (U.S. Copyright No. PA0002191424 (Car Wash Song))	X		X
8	Bath Song (U.S. Copyright No. PA0002146326 (Bath Song))	X		X
9	Yes Yes Playground Song (U.S. Copyright No. PA0002145951 Yes Yes Playground Song))	X		X
10	Yes Yes Bedtime Song (U.S. Copyright No. PA0002177791 (Yes Yes Bedtime Song))			
11	No No Play Safe Song (U.S. Copyrights No. PA0002177782 ("No No" Play Safe Song))			
12	No No Bedtime Song (U.S. Copyright No. PA0002149484 ("No No" Bedtime Song))			
13	No No Playground Song (U.S. Copyright No. PA0002177781 ("No No" Playground Song))			
14	No No Table Manners Song (U.S. Copyright No. PA0002177787 ("No No" Table Manners Song))			

		Yes	No	If yes, willful?
15	Doctor Checkup Song (U.S. Copyright No. PA0002181041 (Doctor Checkup Song))			
16	Animal Dance Song (U.S. Copyright No. PA0002168575 (Animal Dance Song))			
17	First Day of School Song (U.S. Copyright No. PA0002184736 (First Day of School))			
18	Five Little Monkeys (U.S. Copyright No. PA0002192144 (Five Little Monkeys))			
19	Getting Ready for School Song (U.S. Copyright No. PA0002169923 (Getting Ready for School Song))			
20	Hello Song (U.S. Copyright No. PA0002183993 (Hello Song))			
21	Jobs and Career Song (U.S. Copyright No. PA0002191932 (Jobs and Career Song))			
22	Laughing Family with Baby (U.S. Copyright No. PA0002209528 (Laughing Baby with Family))			
23	Laughing Baby with Family (U.S. Copyright No. PA0002156496 (Laughing Baby with Family))			
24	Looby Loo (U.S. Copyright No. PA0002190861 (Looby Loo))			
25	One Potato, Two Potato (U.S. Copyright No. PA0002159136 (One Potato, Two Potatoes))			
26	Opposites Song (U.S. Copyright No. PA0002146866 (Opposites Song))			

		Yes	No	If yes, willful?
27	Peek a Boo Song (U.S. Copyrights No. PA0002209504 (Peek A Boo Song))			
28	Peek a Boo Song (U.S. Copyright No. PA0002156528 (Peek A Boo Song))			
29	Rock-A-Bye Baby (U.S. Copyright No. PA0002190862 (Rock-a-bye Baby))			
30	Shape Song (U.S. Copyright No. PA0002190382 (Shape Song))			
31	Sick Song (U.S. Copyright No. PA0002161511 (Sick Song))			
32	Soccer Song (U.S. Copyright No. PA0002184313 (Soccer Song (Football Song)))			
33	Swimming Song (U.S. Copyright No. PA0002161510 (Swimming Song))			
34	Teacher Song (U.S. Copyright No. PA0002184737 (Teacher Song))			
35	Thank You Song (U.S. Copyright No. PA0002190864 (Thank You Song))			
36	This is the Way (U.S. Copyright No. PA0002169623 (This Is the Way))			
37	Traffic Safety Song (U.S. Copyright No. PA0002190384 (Traffic Safety Song))			
38	Wheels on the Bus (U.S. Copyright No. PA0002181071 (Wheels on the Bus))			
39	Winter Song (Fun in the Snow) (U.S. Copyright No. PA0002181080 (Winter Song (Fun in the Snow)))			

		Yes	No	If yes, willful?
40	Colors Song – Learn Colors (PA0002146325 (Colors Song – Learn Colors, displayed on YouTube as “Colors Song (with Popsicles)”))	X		X
41	The Happy Shapes Song, et al. (U.S. Copyright No. SRu001310748 (The Happy Shapes Song, et al., Best Original Songs))			
42	No No Play Safe Song, et al. (U.S. Copyright No. SRu001317776 (No No Play Safe Song, et al., Original Songs for Children 1))			

1a. If above, you find the JJ character was infringed, do you also find that the JoJo character was virtually identical to the JJ character?

Yes _____ No _____

2. In the March 20, 2023 Counternotification regarding the Yes Yes Playground video on Super JoJo’s Portuguese language channel, did Babybus knowingly and materially misrepresent that material was removed or disabled from YouTube by mistake or misidentification?

Yes _____ No _____

3. What amount of damages do you find for:

Copyright Infringement:

Plaintiffs’ Damages \$ _____

Defendants’ Profits (excluding amount awarded for Plaintiffs’ Damages) \$ _____

Statutory Damages \$ _____

Misrepresentation (answer only if you answered “YES” to Question 2):

United States District Court
Northern District of California

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Plaintiffs' Damages \$ _____

Please have the foreperson date and sign this verdict.

Date

Foreperson of the Jury